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Docket No.: 5244-0092-2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/311,148
Applicants: Tetsuro MOTOYAMA, et al.
Filing Date: May 13, 1999
For: APPLICATION UNIT MONITORING AND REPORTING SYSTEM AND METHOD
Group Art Unit: 2179
Examiner: Tran, M

SIR:

Attached hereto for filing are the following papers:

APPEAL BRIEF W/APPENDICES

Our credit card payment form in the amount of **$500.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 5244-0092-2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
TETSURO MOTOYAMA ET AL.	: EXAMINER: TRAN, M.
SERIAL NO: 09/311,148	:
FILED: MAY 13, 1999	: GROUP ART UNIT: 2179
FOR: APPLICATION UNIT MONITORING AND REPORTING SYSTEM AND METHOD	:

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The following Appeal Brief appeals the Final Rejection of August 26, 2004.

REAL PARTY IN INTEREST

The real party in interest in the present application is the assignee, Ricoh Company, Ltd., having a place of business at 3-6, Nakamagome 1-chome, Ohta-ku, Tokyo 143, Japan.

RELATED APPEALS AND INTERFERENCES

The appellants, appellants' representatives, and the assignee are not aware of any related appeals, interferences, or judicial proceedings that would directly affect or be directly affected by or have a bearing on the Board's decision in the present appeal.

STATUS OF CLAIMS

Claims 1, 5-8, 12-15, 19-22, and 26-29 are pending in this application and are on appeal.

Claims 2-4, 9-11, 16-18, and 23-25 were canceled without prejudice during prosecution of the present application.

STATUS OF AMENDMENTS

No amendments were filed subsequent to the Final Rejection of August 26, 2004 being appealed.

SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention is directed to a system, a method, and a computer program product that all operate to monitor usage of an interface of a target application, wherein the target application is an image forming device and the interface is an operation panel of the image forming device including a plurality of operations to be selected by a user, and that then sends a message with a log file of monitored usage data to a destination. More

particularly, in the claimed invention, and with reference to Figures 9 and 11 in the present specification as a non-limiting example, a device 300 includes a user interface 510. Figure 11 shows an operation panel 700 of an image forming device as the user interface. (See also the present specification at page 17, line 27, to page 18, line 13.)

Further, in the claimed invention a monitoring is executed to directly monitor data of selecting of the plurality of operations of the interface by the user, and to generate a log of the selections or the plurality of operations by the user. (See for example the monitoring block 1300 in Figure 13, which includes a logging operation 1315, and the corresponding discussion in the present specification at page 20, line 3 et seq.)

Further, a communicating device communicates the message of the monitored data. (See for example the sending block 1600 in Figure 12 and Figure 17 in the present specification; see also the present specification at page 26, line 3 to page 27, line 7.).

Further, the monitoring device includes a control to automatically start the monitoring upon startup of the target application without the user directly starting a monitoring program. (See for example the present specification at page 20, line 3 et seq., and particularly lines 3-5 that state that Figure 13 shows that when a target application MB starts up a "startMonitoring function" is called. As evident from that discussion in the present specification and from Figure 13 no input from a user is needed to begin the monitoring operation.)

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The only outstanding grounds for rejection in the present application is the rejection of claims 1, 5-8, 12-15, 19-22, and 26-28 under 35 U.S.C. §103(a) as unpatentable over U.S. patent 5,566,291 to Boulton et al. (herein "Boulton") in view of U.S. patent 6,433,802 to Ladd.

ARGUMENT

The claims recite several features neither taught nor suggested by Boulton in view of Ladd. Specifically, Boulton in view of Ladd does not disclose or suggest:

> a monitoring unit configured to directly monitor user selections of the plurality of operations of the interface by the user automatically upon start-up of the target application without the user directly starting a monitoring program, and to generate a log of the monitored data, the log indicating the selections of the plurality of operations by the user[.]

That feature is recited in independent claim 1, and is similarly recited in each of the other independent claims 8, 15, and 22.

The claims are directed to a system in which a user's selection of operations on an interface of an image forming device, for example a facsimile, a copier, a printer, a scanner, are monitored. That is, as recited in the claims, how a user utilizes an interface of an image forming device is monitored. Further, that monitoring is effectuated without the user having to directly start a monitoring program. Those features recited in the claims are believed to clearly distinguish over the applied art.

As discussed in the present specification for example at page 20, line 3 et seq., when a target application MB starts up, the MB object calls a function startMonitoring of a CMonitoringIF object 1305, which begins logging data corresponding to a user's usage of a user interface 510. Thus, the monitoring is automatic upon start-up of the target application and does not require the user to directly execute a specific monitoring program, i.e. the user does not need to take any action besides starting up the target application to begin the monitoring.

The above-noted features are believed to clearly distinguish over the applied art.

With respect to the above-noted feature the Final Office Action of August 24, 2004 cites Boulton with respect to Boulton allowing a user to activate and enter feedback mode

command to provide feedback in a feedback interface.[1] However, such a teaching in Boulton is not even similar to the claimed features.

In the claimed features noted above user selections of the plurality of operations of the interface are monitored and generated in a log. In contrast to the claimed features, Boulton requires a user to input specific typed comments as feedback after entering an enter feedback mode. Such an operation in Boulton is not at all directed to directly monitoring user selections of a plurality of operations of an interface as in the claimed invention.

The Final Office Action also recognizes that Boulton is deficient in not disclosing the monitoring "automatically upon start-upon with a target application without the user directly starting a monitoring program". With respect to that feature the Final Office Action cites Ladd at column 5, lines 38-46 and column 6, lines 40-47.[2] In that respect, applicants respectfully submit that Ladd clearly fails to teach or suggest such features that would be properly combinable with Boulton.

Specifically, the Final Office Action states:

> The difference between Boulton et al. and the claim is the step of automatically upon start-upon of the target application without the user directly starting a monitoring program. Ladd shows the limitation at column 5, lines 38-46 and column 6, lines 40-47. Ladd discloses the step of monitoring the start, progress and completion of a parallel application without taking any action by the user and "the application monitor monitors the user application file and maintains statistics on the user application file". The user does not need to execute the application before monitoring but the system does the part of monitoring by itself. It would have been obvious to one of ordinary skill in the art, having the teachings of Boulton et al. and Ladd before them at the time the invention was made to modify a method of monitoring taught by Boulton et al. to include the step of automatically monitoring user inputs of Ladd, with the motivation being to make it easy for the user by not requiring him to directly execute a specific monitoring program as taught by Ladd.[3]

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[1] Final Office Action of August 24, 2004, bottom of page 2.
[2] Final Office Action of August 26, 2004, page 3, lines 21-22.
[3] Final Office Action of August 26, 2004, page 3, line 19, to page 4, line 10.

Applicants traverse the above-noted position for the following reasons. First, applicants submit that Ladd does not in fact teach or suggest a monitoring operation without a user starting a monitoring program. Further, Ladd does not even teach a monitoring program in the sense of something even similar to the claimed features.

In further detail, Ladd is directed to a parallel programming development environment. Ladd discloses that the device therein includes a graphical user interface (GUI) 116 for a user to create parallel applications 112, generate code for the parallel applications 112, distribute the parallel applications 112, run the parallel applications 112, and monitor the progress of the parallel applications 112.[4]

In that way, the teachings in Ladd even directed to the monitoring operation are not at all even similar to the monitoring in the claimed invention. In the claimed invention the monitoring is directed to monitoring a user's usage of an interface. In Ladd the monitoring is directed to monitoring the progress of a parallel application that a user sets up by a GUI 116. ***Ladd does not teach or suggest any monitoring of the user's usage of the GUI 116***, but instead only teaches monitoring progress of a parallel application 112. Thus, the teachings in Ladd are not even similar to the claimed features with respect to the monitoring.

Moreover, Ladd does not even teach or suggest that the monitoring operation of the progress of the parallel application 112, which again is completely different from the claimed monitoring operation, is automatic upon start-up. In fact, in Ladd the user must take steps to begin the parallel application for it to be monitored. Ladd specifically states:

> To perform all of the monitoring, running, distribution, creation, and generation tasks, the user GUI 116 is divided into at least two parts. The first part is the application screens 200. The application screens 200 provide an environment for users to piece together a parallel application using objects that correspond to pieces of the application. Once a ***user*** has pieced together the objects using the application screens 200, the application screens 200, through the user GUI 116, pass the

[4] Ladd at column 4, line 65 to column 5, line 2.

> user applications 112 to the code generator 204 and process distribution server 206.[5]

As is clear from the above-noted disclosure in Ladd, in Ladd the user must set up the parallel application 112 prior to any monitoring, and the user pieces together, through GUI 116, all necessary operations for the monitoring. Stated another way, in Ladd if the user does not take any actions to establish a monitoring operation, no monitoring takes place. That is in direct contrast to the claimed features in which the monitoring operation begins without the user directly starting the monitoring program.

Ladd does go on to note that the application monitor 212 can monitor the parallel application 112 at column 5, line 40 et seq. However, as is clear from the above-noted passage in Ladd at column 5, lines 3-11 the user must establish all the necessary processes through the GUI 116 to begin the monitoring by the application monitor 212.

In such ways, Ladd does not even teach the features relied upon in the Office Action.

Moreover, applicants submit that clearly there cannot be any incentive or motivation to one of ordinary skill in the art to modify the teachings of Boulton in view of those in Ladd as the teachings in the two different references are completely unrelated.

Boulton is directed to a method for implementing a user feedback and Ladd is directed to a parallel programming development environment. Ladd discloses that an application monitor can monitor a parallel application and maintain statistics of the execution of the parallel application 112. As Boulton has no interest or has any relevance whatsoever to a parallel application, such a monitoring in Ladd is completely irrelevant to the teachings in Boulton. Clearly the teachings in the two references are completely unrelated and have no relevance whatsoever to one another.

Stated another way, how is it possible for one of ordinary skill in the art to use teachings of a monitoring of a parallel application 112 as in Ladd in the device in Boulton

[5] Ladd at column 5, lines 8-11 (emphasis added).

that has nothing whatsoever to do with parallel applications? Simply, the teachings are completely unrelated.

For such further reasons, the teachings in Ladd do not overcome the deficiencies in Boulton.

Further, applicants respectfully submit that Boulton could not even be modified by the teachings in Ladd to meet the claim limitations.

More particular, Boulton is specifically directed to a device for allowing user feedback. In Boulton "'feedback'" is defined as comments, suggestions, questions, or other information sent by a user or learner to an author of the learning material, reviewer of the learning system, providing of a product, process, service, or issue, or other person responsible for improvement, maintenance, organization, or content of a product, process, or service.[6] In such ways, in Boulton the user is ***required*** to input the monitored information to be provided to the reviewing party. As such, it would be impossible to modify Boulton to start a monitoring progress automatically because in Boulton the entire monitoring process is the ***user typing in comments***. It is simply not possible for such an operation to occur without a user starting the monitoring as again in Boulton the monitoring is the user typing in comments or suggestions.

In such ways, it would not even have been possible to one of ordinary skill in the art to modify the teachings in Boulton in view of the teachings of Ladd in the manner suggested in the outstanding Office Action.

In view of these foregoing comments, applicants respectfully submit that clearly no combination of teachings of Boulton in view of Ladd would have been suggested to one of ordinary skill in the art, and even such a combination of teachings does not meet the claim limitations.

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[6] Boulton at column 8, lines 59-65.

In maintaining the outstanding rejection in the Final Rejection of August 26, 2004, the above-noted arguments are addressed.

First, with respect to the comments noted above that Boulton is not directed to monitoring user selections of operations on an interface of an image forming device, the Office Action cites Boulton at column 54, lines 11-20.[7] At that point Boulton discloses that the feedback system therein can be incorporated into photocopy machines and the like. However, in that respect, applicants note that at no portion does Boulton disclose or suggest that operation in an image forming device would result in an automatic monitoring of users' selections of operations on an interface. Boulton is clearly directed to requiring the user to enter a feedback mode and type in feedback comments, and thus clearly even if Boulton was utilized in an image forming apparatus the user would be required to enter the feedback mode and type in his/her comments. No indication in Boulton is directed to automatic monitoring of users' selections of the users selection of operations on an interface in an image forming apparatus.

The basis for maintaining the rejection also emphasizes that Boulton is relied upon for the feature of monitoring a users' selections of operations.[8] As noted above Boulton clearly does not teach or suggest such features as in Boulton a user is required to type in comments in a feedback mode. That is not a monitoring of a users' selections of operations. There is no monitoring being performed in that operation as in Boulton the system merely passively awaits the user to send in his/her typed comments.

With respect to the arguments noted above as to Ladd not disclosing a user directly starting a monitoring operation, the Final Office Action references Ladd at column 3, lines 34-42 and column 5, lines 39-46.[9] Applicants note the noted portion in Ladd does not provide any indication of the monitoring being done automatically, and again as noted above

[7] Final Office Action of August 26, 2004, page 6, lines 17-22.
[8] Final Office Action of August 26, 2004, page 7, lines 5-7.
[9] Final Office Action of August 26, 2004, page 7, line 8 et. seq.

the monitoring is not even directed to an operation even similar to that of Boulton, to which the Office Action attempts to combine the teachings of Ladd.

With respect to applicants' arguments noted above as to the lack of incentive or motivation to combine the teachings of Boulton in view of Ladd as suggested in the Final Office Action, the Final Office Action states:

> While Boulton et al. shows the monitoring of a user's selection of operation on the application interface, Ladd also teaches the monitoring [of] the application file involving the user's actions (column 5, lines 7-12). Because both references teach related features, there is enough motivation to combine Boulton and Ladd.[10]

That basis for the outstanding rejection is first not at all even understood. The disclosure in Ladd at column 5, lines 7-12 states:

> Once a user has pieced together the objects using the application screens 200, the application screens 200, through the user GUI 116, pass the user applications 112 to the code generator 204 and process distribution server 206.

That disclosure in Ladd has no relevance whatsoever to monitoring a user's actions. The noted teachings in Ladd are not even remotely related to the teachings in Boulton in any manner. In Ladd the user pieces together application screens, but there is no monitoring whatsoever of the user performing an operation or of any monitoring of an operation of the user. The basis for the outstanding rejection is essentially ignoring the complete irrelevance of the teachings of Ladd to those of Boulton.

[10] Final Office Action of August 26, 2004, page 7, lines 6-10.

In view of these foregoing comments, applicants respectfully submit the claims as currently written distinguish over the combination of teachings of Boulton in view of Ladd, and thus the outstanding rejection must be REVERSED.

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CLAIMS APPENDIX

1. A system comprising:

an interface of a target application, the interface comprising a plurality of operations to be selected by a user, wherein the target application is an image forming device and the interface is an operation panel of the image forming device;

a monitoring unit configured to directly monitor user selections of the plurality of operations of the interface by the user automatically upon start-up of the target application without the user directly starting a monitoring program, and to generate a log of the monitored data, the log indicating the selections of the plurality of operations by the user;

a communicating device configured to communicate the log of the monitored data to a remote site.

Claims 2-4 (Canceled).

5. A system according to Claim 1, wherein the communicating device sends the log of the monitored data when the user exits the target application.

6. A system according to Claim 1, further comprising a setting unit configured to set a number of sessions of the target application to be executed by the user prior to the communicating device communicating the log of the monitored data.

7. A system according to any one of Claims 1, 5, or 6, wherein the communicating device communicates the log of the monitored data by Internet mail.

8. A system comprising:

interface means of a target application means, the interface means for providing a plurality of operations to be selected by a user, wherein the target application means is an image forming device and the interface means is an operation panel of the image forming device;

monitoring means for directly monitoring user selections of the plurality of operations of the interface means by the user automatically upon start-up of the target application means without the user directly starting a monitoring program, and for generating a log of the monitored data, the log indicating the selections of the plurality of operations by the user;

communicating mans for communicating the log of the monitored data to a remote site.

Claims 9-11 (Canceled).

12. A system according to Claim 8, wherein the communicating means sends the log of the monitored data when the user exits the target application means.

13. A system according to Claim 8, further comprising a setting means for setting a number of sessions of the target application means to be executed by the user prior to the communicating means communicating the log of the monitored data.

14. A system according to any one of Claims 8, 12, or 13, wherein the communicating means communicates the log of the monitored data by Internet mail.

15. A method of monitoring usage of an interface of a target application, the interface including a plurality of operations to be selected by a user, wherein the target application is

an image forming device and the interface is an operation panel of the image forming device, comprising the steps of:

directly monitoring user selections of the plurality of operations of the interface by the user automatically upon start-up of the target application without the user directly starting a monitoring program;

generating a log of the monitored data, the log indicating the selections of the plurality of operations by the user; and

communicating the log of the monitored data to a remote site.

Claims 16-18 (Canceled).

19. A method according to Claim 15, wherein the communicating step sends the log of the monitored data when the user exits the target application.

20. A method according to Claim 15, further comprising a step of setting a number of sessions of the target application to be executed by the user prior to the communicating device communicating the log of the monitored data.

21. A method according to any one of Claims 15, 19, or 20, wherein the communicating step communicates the log of the monitored data by Internet mail.

22. A computer program product comprising:

a computer storage medium and a computer program code mechanism embedded in the computer storage medium for causing a computer to monitor a user's usage of an interface of a target application, the interface comprising a plurality of operations to be selected by a

user, wherein the target application is an image forming device and the interface is an operation panel of the image forming device, comprising:

a first computer code device configured to directly monitor user selections of the plurality of operations of the interface by the user automatically upon start-up of the target application without the user directly starting a monitoring program, and configured to generate a log of the monitored data, the log indicating the selections of the plurality of operations by the user; and

a second computer code device configured to communicate the log of the monitored data to a remote site.

Claims 23-25 (Canceled).

26. A computer program product according to Claim 22, wherein the second computer code device is further configured to send the log of the monitored data when the user exits the target application.

27. A computer program product according to Claim 22, further comprising a third computer code device configured to set a number of sessions of the target application to be executed by the user prior to the second computer code device communicating the log of the monitored data.

28. A computer program product according to any one of Claims 22, 26, or 27, wherein the second computer code device is further configured to communicate the log of the monitored data by Internet mail.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None.